

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ROBERT NATHANIEL OLDS,

Petitioner,

v.

DAVE DORMIRE,

Respondent.

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No. 4:09-CV-1782 CAS-TCM

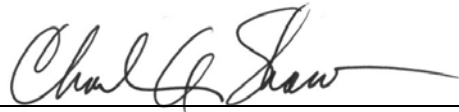
ORDER

This matter is before the Court on the petitioner's "Pro Se Motion Permission Leave of Court to File Out of Time Objections to Appeal Magistrate's Order Denial of Petitioner's Immediate Discharge from Custody, 28 U.S.C. § 2243." In his motion, petitioner seeks to appeal Magistrate Judge Thomas C. Mummert, III's Order dated June 23, 2010 to the undersigned District Judge. The motion will be denied.

On November 5, 2009, this case was referred to United States Magistrate Judge Mummert pursuant to 28 U.S.C. § 636(b)(1) for a report and recommendation on dispositive matters and for rulings on non-dispositive matters. Pursuant to § 636(b)(1), Magistrate Judge Mummert may "determine any pretrial matter pending before the court," with certain exceptions not applicable here. A district judge may reconsider any pretrial matter determined by a magistrate judge on a showing that the magistrate judge's order is "clearly erroneous or contrary to law." 28 U.S.C. § 636 (b)(1)(A). Petitioner has made no such showing.

Accordingly,

IT IS HEREBY ORDERED that petitioner's "Pro Se Motion Permission Leave of Court to File Out of Time Objections to Appeal Magistrate's Order Denial of Petitioner's Immediate Discharge from Custody, 28 U.S.C. § 2243" is **DENIED**. [Doc. 67]

A handwritten signature in black ink, appearing to read "Charles A. Shaw", is written over a horizontal line.

CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 6th day of July, 2010.